

LIQUOR ADVISORY BOARD
Tuesday, April 20, 2010
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members:	Alicia Neubauer Dennis Olson Scott Sanders Craig Sockwell
Absent:	Aaron Magdziarz Dan Roszkowski
Staff:	Jennifer Cacciapaglia – City Attorney for Liquor Commission Todd Cagnoni, Deputy Director - Construction Services Division Sandra Hawthorne, Administrative Assistant Jon Hollander, City Engineer - Public Works Matt Knott – Chief, Fire Prevention Division
Others:	Alderman Frank Beach (arrived at 6:20 PM) Kathy Berg, Stenographer Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, May 3, 2010 at 4:30 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for any further information and that her phone number listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting started at 6:00 P.M. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the March 16th meeting as submitted. The **MOTION** was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Aaron Magdziarz and Dan Roszkowski absent, and Julio Salgado and Dennis Olson abstaining as they were not in attendance at the March meeting.

10-LAB-004

Applicant
Ward 14

4415 Harrison Avenue

Camelia D. Padilla d/b/a The Spider Sushi Bar

Sale of beer and wine by the drink in conjunction with a restaurant in a C-3,
General Commercial Zoning District

The subject property is located on the south side of Harrison Avenue approximately 253 feet west of South Alpine Road and 140 feet north of Manchester Drive. The property is one of seven tenants within a strip center and is currently operating as Spider Sushi Bar. Camelia Padilla Migeul Rudn, and Attorney Andrew Vella were present. Attorney Vella stated this business would have no live entertainment, no cover charge, no beer garden, and no packaged liquor sales. He explained the restaurant has been operating with a profit for over a year and patrons are asking for beer and wine on the menu.

Attorney Cacciapaglia wished to incorporate Exhibit G - Business Plan – which states there will be no cover charge on the property. She felt they would be able to stay open until midnight one night a week with no problem, but did wish to make it clear that no cover charge would be allowed. Alicia Neubauer asked if condition 3 should be amended to change the hours of operation to that allowed under the liquor code. Mr. Cagnoni explained that the Staff Report is based upon the information provided from the Applicant's business plan submitted. If the Applicant feels they wish more flexibility to their hours or to modify same, Staff would not have a problem. Mr. Sanders asked if the Applicant stated hours in their business plan that were less than the liquor code hours, would they be in violation if they operated later hours. Attorney Cacciapaglia stated technically they would be in violation. Attorney Vella asked if hours on Friday or Saturday were extended, could they modify it at this time. Mr. Cagnoni stated if they know the hours they wish to operate now, they should state them; otherwise they will be held to the hours submitted on their business plan and listed under condition 3. He further added that if the Board wished to strike Condition 3, Staff was agreeable.

Staff Recommendation was for Approval with 3 conditions. Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Camelia D. Padilla d/b/a The Spider Sushi Bar in a C-3, General Commercial Zoning District at 4415 Harrison Avenue with the elimination of existing condition 3 and the addition of a new condition 3 in regards to cover charge. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. The liquor license is limited to beer and wine and no package sales
3. There will be no cover charge to gain access to the property.

10-LAB-005

Applicant
Ward 1

510 South Perryville Road

Ashley Bennett d/b/a Cousin's Bar and Grill

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-2, Limited Commercial Zoning District

The subject property is located east of Perryville Road and south of East State Street and is currently Cousin's Bar and Grill restaurant and bar. Seth Nygren, co-partner with the Applicant was present to review the request for sale of liquor by the drink. Mr. Nygren stated it was their desire to add an outside seating deck for approximately 25 to 30 people. Attorney Cacciapaglia had no questions of the Applicant.

Staff Recommended was for Denial. Mr. Cagnoni explained this recommendation was based on the ratio of food to liquor sales. He stated code requirement is that at least 50% of sales needs to be applied to food. The business plan submitted by the Applicant stated the ratio would be 60% liquor sales and only 40% food sales. Mr. Cagnoni explained to the Applicant that they could amend their application if the amendment was documented by a Certified Accountant verifying a lower liquor sales to food ratio. He also suggested they could do a concrete area instead of a deck. Attorney Cacciapaglia stated the Applicant may chose to request a Lay Over to next month's meeting in order to allow them time to have an audit prepared. The Applicant was agreeable to this.

A **MOTION** was made by Julio Salgado to **LAY OVER** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Ashley Bennett d/b/a Cousin's Bar and Grill in a C-2, Limited Commercial Zoning District at 510 South Perryville Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

10-LAB-006

Applicant
Ward 9

2921 City View Drive

Chawn Scanlan d/b/a Scanlan's

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-1, Limited Office Zoning District

Prior to the meeting, a written requested was received by the Applicant to Lay Over this item to the May 18th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Chawn Scanlan d/b/a Scanlan's in a C-1, Limited Office Zoning District at 2921 City View Drive. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

With no further business to come before the Board, the meeting was adjourned at 6:23 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board